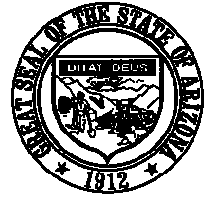




THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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Deputy Director
Steve K. Ferrell



March 25, 2005

A public meeting of the Arizona Game and Fish Commission will be held on April 15-16, 2005, and as authorized by A.R.S. § 17-201(D), the Commission will discuss and may vote to take action on the following matters:

Friday, April 15, 2005, Arizona Game and Fish Commission at the Avondale City Council Chambers, 11465 W. Civic Center Dr., Avondale, AZ 85323.

Meeting begins at 8:00 a.m.

- 1. Presenter: Bob Broscheid, Habitat Branch Chief. An Update on Current Issues, Planning Efforts, and Proposed Projects on State and Federal Lands in Arizona and Other Matters Related Thereto.** The Commission will be briefed on the latest developments relating to the implementation of land and resource management plans and projects on state and federal lands in Arizona and other matters related hereto. The update addresses decisions or activities since the March 2005 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 2. Presenter: Don Winslow, Education Branch Chief. Rio Salado Sportsmen's Club Request for Assistance.** The Commission will hear a request from the Rio Salado Sportsmen's Club to reimburse 50% of the construction costs for a new septic system at the Usery Mountain Shooting Range after the system is built. The Commission may vote to take action on, or provide the department direction on, items covered in the update.
- 3. Presenter: Don Winslow, Education Branch Chief. Statewide Shooting Range Briefing.** The Commission will be given an update of department activities related to shooting range support and development statewide. The update covers activities that have occurred since the March 2005 commission meeting. The Commission may vote to take action on, or provide the department direction on, items covered in the update.
- 4. Consent Agenda – The following items have been grouped together and are hereby noticed as consent agenda items to expedite action on routine matters, which may not require public discussion. The Commission will be asked to vote to approve these matters as presented, subject to approval or recommendations of the Office of the Attorney General. Commission members may remove certain items if further public input or discussion is deemed necessary.**

- a. **Presenter: Bob Broscheid, Habitat Branch Chief. Request for Commission Approval to Renew the Special Land Use Permit for the Adobe Mountain Rehabilitation Center with the Arizona State Land Department.** The Commission will be asked to vote to approve the renewal of the Special Land Use Permit for the Adobe Mountain Rehabilitation Center with the Arizona State Land Department.
- b. **Presenter: Bob Broscheid, Habitat Branch Chief. Request for the Commission to Approve a State Land Use Permit with the Arizona State Land Department for the Purpose of Statewide Wildlife Water Improvements on State Trust Lands.** The Commission will be asked to vote to approve a State Land Use Permit with the Arizona State Land Department for the purposes of construction and maintaining statewide wildlife water improvements on State Trust Lands.
- c. **Presenter: Bob Broscheid, Habitat Branch Chief. Request for Commission Approval for Renewal of the Ten-Year Right-of-Way, No. 018-054207 for Continued Access into Emigrant Canyon in Cochise County and to Pursue Acquisition of a Right-of-Way Agreement in Perpetuity from the Arizona State Land Department.** The Commission will be asked to vote to approve renewal of the ten-year right-of-way, No. 018-054207 for continued access into Emigrant Canyon in Cochise County and to pursue acquisition of a right-of-way agreement in perpetuity from the Arizona State Land Department.
- d. **Presenter: Bob Broscheid, Habitat Branch Chief. Request for the Commission to Approve a Special Land Use Permit from the Arizona State Land Department in Conjunction with the Gerald H. Turley Trail (Heritage Grant number P93024). The Permit is for the Purposes of Providing Access to the Trail System and for Associated Public Parking.** The Commission will be asked to vote to approve a Special Land Use Permit from the Arizona State Land Department in conjunction with the Gerald H. Turley Trail (Heritage Grant Number P93024). The permit is for the purposes of providing access to the trail system and for associated public parking.
- e. **Presenter: Bob Broscheid, Habitat Branch Chief. Request for Commission Approval of a Right-of-Way Agreement Between the Commission and Arizona Public Service for Continued Utility Services to a Well at the Commission's Robbins Butte Wildlife Area, Maricopa County, Arizona.** The Commission will be asked to vote to approve a right-of-way agreement between the Commission and Arizona Public Service for continued utility services to a well at the Commission's Robbins Butte Wildlife Area, Maricopa County, Arizona.
- f. **Presenter: Bob Broscheid, Habitat Branch Chief. Request for the Commission to Approve an Agreement with the Sierra Vista Rod and Gun Club, Inc., for the Continued Development, Operation, and Management of a Public Shooting Range and Related Recreation Facilities for the Sierra Vista Shooting Range, Cochise County, Arizona.** The Commission will be asked to vote to approve an Agreement with the Sierra Vista Rod and Gun Club, Inc. for the continued development, operation, and management of a public shooting range and related recreation facilities for the Sierra Vista Shooting Range, Cochise County, Arizona.

5. **Presenter: Anthony Guiles, Legislative Liaison. State and Federal Legislation.** The Commission will be briefed on the status of State and Federal legislation. The Commission may vote to take a position or provide direction to the Department for coordination, action, or proposed changes to legislation or other elective issues related to Department responsibilities.
6. **Presenter: Kevin Bergersen, Wildlife Enforcement Program Coordinator. Request for Commission Approval for the Department to Continue to Operate Under and Extend the 1999-2004 Watercraft Strategic Plan Through 2007 When Wildlife 2012 is Implemented.** The Commission will be asked to vote to approve the Department's ability to operate under and to extend the expired 1999-2004 Watercraft Strategic Plan until 2007 at which time the 2012 Strategic Plan will be implemented.
7. **Presenter: Kevin Bergersen, Wildlife Enforcement Program Coordinator. Request for the Commission Approval of the Program Narrative for U.S. Coast Guard Boating Safety Funds (Federal FY 2005 / State FY 2006).** The Commission will be asked to vote to approve the Department's U.S. Coast Guard funding pursuant to the Federal Boating Safety Act of 1971. Funds will be used in the State FY 2006 to supplement the Department's watercraft efforts in areas of law enforcement, administration, information, education, aids to navigation and watercraft registration.
8. **Presenter: Larry Voyles, Yuma Regional Supervisor. Petition by Mr. Hugo J. DellaValle for a Hearing Before the Commission for Consideration to Reinstate his Bonus Points for Bighorn Sheep.** The Commission will consider a petition by Mr. Hugo J. DellaValle for a hearing before the Commission per Rule R12-4-611 to reinstate his bonus points for bighorn sheep. The Commission may vote to grant or deny the request for a hearing and may proceed with the hearing accordingly.
9. **Presenter: Bruce D. Taubert, Assistant Director, Wildlife Management Division. FIRST READ: Initial Draft of Arizona's Comprehensive Wildlife Conservation Strategy.** The Department will provide an initial draft of Arizona's Comprehensive Wildlife Conservation Strategy for the Commission. The Commission may vote to give the Department direction on this item.
10. **Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.

Lunch Break (at Time Certain 12:00 p.m.)

11. **Executive Session (Immediately Following the Lunch Break, But No Later Than 1:00 p.m.)**
 - a. **Legal Counsel.** The Commission may vote to meet in Executive Session in accordance with A.R.S. § 38-431.03 (A)(3) and (4) for the purpose of discussing and consulting with legal counsel in order to consider its position and to instruct legal counsel regarding the

Commission's position on *Montoya v. Manning*, CIV98-0239 PHX RCB; *In Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game & Fish Commission & Shroufe*, CIV2000-020754; *Ameduri and Yee et. al. v. U.S. Forest Service et al.*, U.S. District Court No. CIV 02 2495 PCT FJM; *Bar D Cattle Co. v. Shroufe*, CIV2002-0872; *Phelps Dodge Corp. v. Arizona Dept. of Water Resources*, LC2003-000243-001DT; *Arizona Zoological Society, et. al. v. BLM, IBLA appeal no. 2002-412*; *Audubon Society of Portland v. USFWS*, CV04-670-KI; and *State of Arizona v. George H. Johnson*, CV2005-002692.

The Afternoon Public Session begins immediately following the Executive Session, but no later than 2:00 p.m.

12. Presenter: Mike Godwin, Acting Law Enforcement Branch Chief. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife at Time Certain 2:00 p.m. The Commission will consider and take action on the license revocations and/or civil assessments for the individuals listed below.

<u>Name</u>	<u>Conviction</u>
Hardy, Steven P.	Count A: Take Big Game without permit/tag (deer).
Robinson, Casey W.	Count A: Vandalism (Destroy Fence While Hunting).
Sanchez, Manuel C.	Count A: Take a Pie-Billed Grebe out of season (Non-Game Bird).
Turnbough, Robert	Count A: Shoot into a road. Count B: Possess unlawfully taken wildlife (elk).
Peterson, Blair C.	Count A: Unlawful Method of Take (deer).
Seeley, Austin M.	Count A: Possess unlawfully taken wildlife (bear). Count B: Knowingly take wildlife during the closed season (bear). Count C: Take wildlife without valid permit (bear).
Russell, Raymond J.	Count A: Litter while hunting.

13. Presenter: Michael W. Godwin, Acting Law Enforcement Branch Chief. Rehearing Request Regarding Previous License Revocation/Civil Assessment. Mr. Clarence Earl Danek has requested that the Arizona Game and Fish Commission grant a rehearing regarding the action taken on **December 10, 2004**, revoking his licenses to hunt, fish, and trap for a period of five (5) years and further requiring that he complete a Hunter Education course before obtaining any license in the State of Arizona. The Commission may vote to affirm or modify its decision, or grant a rehearing.

- 14. Litigation Report.** The Department's legal counsel may report on the status of the following litigation matters: *Montoya v. Manning*, CIV98-0239 PHX RCB; In *Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game & Fish Commission & Shroufe*, CIV2000-020754; *Ameduri and Yee et. al. v. U.S. Forest Service et al.*, U.S. District Court No. CIV 02 2495 PCT FJM; *Bar D Cattle Co. v. Shroufe*, CIV2002-0872; *Phelps Dodge Corp. v. Arizona Dept. of Water Resources*, LC2003-000243-001DT; *Arizona Zoological Society, et. al. v. BLM, IBLA appeal no. 2002-412*; *Audubon Society of Portland v. USFWS*, CV04-670-KI; *State of Arizona v. George H. Johnson*, CV2005-002692; and issues associated with potential litigation over the status of black-tailed prairie dogs and mountain plovers, and Mexican garter snake. A written report will also be available. The Commission may vote to take action on any case.
- 15. Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.
- 16. Director's and Chairman's Reports.** The Director and the Chairman will report on recent Department and Commission activities. An update on the Director's current goals and objectives may be provided during the briefing. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.
- 17. Commissioners' Reports.** The Commissioners will report on their recent activities related to Game and Fish Commission duties and responsibilities. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.
- 18. Approval of Minutes** for August 13 and 14, 2004; September 17, 2004; September 22, 2004; October 29, 2004; December 10 and 11, 2004; January 4, 2005; January 21, 2005; and February 11, 2005; and signing of minutes for February 3, 2005.

Saturday, April 16, 2005, Arizona Game and Fish Commission at the Avondale City Council Chambers, 11465 W. Civic Center Dr., Avondale, AZ 85323.

Meeting begins at 8:00 a.m.

Awards and Commissioning of Officers.

- 1. Presenter: Richard Rico, Assistant Director, Special Services. Hunt Permit-tag Application Schedule for Fall 2005 Hunts.** The Department will provide the Commission with a presentation related to the proposed hunt-permit tag application schedule for fall 2005 hunts. The Commission will be asked to vote to approve the application schedule.

2. **Presenter: Leonard Ordway, Game Branch Chief. Consideration of Proposed Commission Orders 2-5, 7-10, and 26 for 2005-2006 Hunting Season.** The Commission will consider and may vote to approve Commission Orders 2-5 (deer, pronghorn antelope, elk, and turkey), 7-10 (bighorn sheep, buffalo, bear, and lion), and 26 (population management) establishing seasons and season dates, bag and possession limits, permit numbers, and open areas. A detailed description of all proposals is available for public review at all Department offices. Spring turkey, spring bear, spring buffalo, and javelina Commission orders will be presented at the August Commission meeting.
3. **Presenter: Leonard Ordway, Game Branch Chief. Consideration of Proposed Commission Orders 11-18 for 2005-2006 Hunting Season.** The Commission will consider and may vote to approve Commission orders 11-18 (tree squirrel, cottontail rabbit, predatory and furbearing mammals, other mammals and birds, pheasant, quail, chukar partridge, and blue grouse) establishing seasons and season dates, bag and possession limits, and open areas.
4. **Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.

Lunch Break (at Time Certain 12:00 p.m.)

The Afternoon Public Session begins immediately following the Lunch Break, but no later than 1:00 p.m.

5. **Presenter: Leonard Ordway, Game Branch Chief. Consideration of Proposed Commission Order 23: Trapping for the 2005-2006 Season.** The Commission will consider and may vote to approve Commission Order 23: Trapping, establishing season dates, legal species, open-closed areas, bag and possession limits.
6. **Presenter: Sherry Crouch, Acting Rules & Risk Manager. Request to Close the Rulemaking Record and Adopt the Notice of Exempt Rulemaking to Amend Rules in Article 8, Wildlife Areas and Department Property, as Part of the Annual Hunt Recommendation Process.** The Commission will be asked to vote to adopt the Notice of Exempt Rulemaking to amend rules in Article 8, Wildlife Areas and Department Property, as part of the annual hunt recommendation process.
7. **Presenter: Richard Rico, Assistant Director, Special Services. Request by Mr. Karl Owens and Other Hunters Drawn for the 2004 Fall Buffalo Hunts at the House Rock Wildlife Area (HRWA) for a Hearing Associated with the Lack of Hunter Success During the Fall 2004 Hunts.** Mr. Owens and the petitioners listed below are requesting a hearing before the Commission to discuss the low hunter success associated with the fall 2004 hunts at the HRWA. Petitioners propose several resolutions, including issuing additional tags to unsuccessful hunters for the spring 2005 hunts at the HRWA and reinstatement of bonus points. The Commission may vote to grant or deny the request for a hearing and may proceed with the hearing accordingly.

Petitioners (to date) include the following: Karl Owens, Harvey Heckethorn, Joseph Falbo, Kevin Wilson, Joe Pecha, Dennis Moss, Joshua Shields, Kevin Dougherty, Robert Rimza, John Larsen II, Ronnie Clark, David Berard, Carl Luedeman, James Pankratz, Andrew Rowe, Robert Childers, Lothar Bayer, Theron Fleming, Harold Boyack, Luther Tallent, Robb Evans, Gordon Wheeler, James Putteney, Keith Paul, Michael Schlotman, Gerald Chandler, and Fay Lisk.

- 8. Presenter: Rod Lucas, Region VI Supervisor. Request for Rehearing on Appeal of Denial for a Wildlife Holding License – Gary Mitchell & Chris Koudelka.** Pursuant to Arizona Game and Fish Commission Rule R12-4-607, and as provided in A.R.S. § 41-1092.09, Mr. Gary Mitchell and Ms. Chris Koudelka have requested a rehearing of the Commission's decision to affirm the Department's denial of their application for a Wildlife Holding License. The Commission may vote to grant or deny the request for a hearing and may proceed with the hearing accordingly.
- 9. Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.

10. Future Agenda Items.

The agenda may be revised and additional items may be added prior to the meeting as authorized by A.R.S. §38-431.02. In that event, an addendum to the agenda will be noticed and posted prior to the meeting at Department offices. Commission agenda items not noticed for a specific time may be taken out of order.

Background materials provided to Commission members concerning public agenda items are available for public inspection at the main office of the Arizona Game and Fish Department at 2222 West Greenway Road, Phoenix, at Department regional offices in Pinetop, Flagstaff, Kingman, Yuma, Tucson, Mesa and at the meetings.

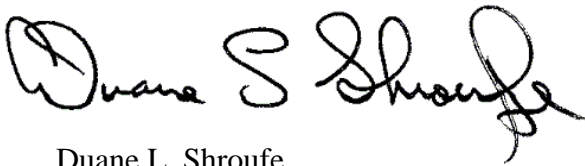
During the public meeting, the Commission may afford any person, his duly authorized representative, or both, the opportunity to present statements relating to agenda items, with or without the opportunity to present them orally.

The Commission may go into Executive Session for the purpose of obtaining legal advice from the Commission Attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03 (A) (3) & (4).

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, or this document in an alternative format, by contacting the AGFD Deputy Director, 2221 W. Greenway Road, Phoenix, Arizona 85023, 602-942-3000. Requests should be made as early as possible to allow time to arrange the accommodation.

The Arizona Game and Fish Department is responsible for managing Arizona's fish and wildlife resource as an enduring public trust. In addition, the Department is charged with promoting safe and responsible use of watercraft and off-highway vehicles. Funding is provided from the sale of licenses and permits; watercraft registration fees; federal excise taxes on firearms, fishing equipment, boats, and other sporting goods; State lottery revenues; donations on State income tax forms; and various contracts and grants. Department policy is set by the Arizona Game and Fish Commission, whose five members are appointed by the Governor.

"Managing Today for Wildlife Tomorrow"

A handwritten signature in black ink, reading "Duane L. Shroufe". The signature is fluid and cursive, with the first name "Duane" being the most prominent.

Duane L. Shroufe
Director

DLS:dy